

JUL 31 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

LORENZO NAVIA-PEREZ; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-74905

Agency Nos. A75-745-988
A75-745-989

MEMORANDUM*

On Petition for Review of Orders of the
Board of Immigration Appeals

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Husband and wife Lorenzo Navia-Perez and Maria Sanchez-Lara, natives
and citizens of Mexico, petition for review of the Board of Immigration Appeals'
orders dismissing their appeals from an immigration judge's ("IJ") decision

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the IJ's discretionary determination that petitioners failed to show exceptional and extremely unusual hardship. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). Accordingly we do not consider petitioners' contention that the IJ abused his discretion in weighing the evidence and considering the factors related to hardship. *See id.* (“[t]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”).

We do not consider Sanchez-Lara's contention regarding physical presence, because her failure to establish hardship is dispositive.

PETITION FOR REVIEW DISMISSED.